



Public Notice

**US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence**

**Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street**

**Public Notice No.
P-2547
Public Notice Date
May 19, 2006
Expiration Date
June 9, 2006**

Postmaster Please Post Conspicuously Until:

File Number: 2005-45365

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Jaynie Doerr

APPLICANT: Stan Beasley, Foristell Land Investment, LLC, 105 Triad Center West, O'Fallon, Missouri 63366.

AGENT: Matt Roth, On-Site Soils, P.O. Box 6, Wentzville, Missouri 63385.

LOCATION: The project area is located on the North Outer Road, off of westbound Highway 70, in the NE ¼ of Section 24 and the NW ¼ of Section 19, Township 47 North, Range 1 West, in Foristell, Missouri. The project lies in both St. Charles and Warren Counties.

PROJECT DESCRIPTION: The applicant seeks authorization to impact approximately 4900 lineal feet of ephemeral and intermittent unnamed tributaries and 48.5-acres of the existing 53-acre lake, named O'Brien Lake. The purpose of the proposed project is to create single-family and multi-family housing and a commercial development on the 226.19-acre tract of land. This area has been designated by local planning officials as residential and commercial to accommodate the strong residential growth in the City of Foristell. The adjacent property has been approved for the development of a subdivision as well. The City requires on-site detention for the proposed development, therefore any ramification of lost detention due to the loss of the lake will not be an issue. In addition, the applicant will perform a hydrology and hydraulic analysis to determine the amount of detainable water required. Secondly, the lake has a drain system allowing it to be drained down over a period of time in order to inhibit downstream flooding.

Foristell Land Investment, LLC, has researched alternatives and demonstrated avoidance and minimization practices, such as reducing the overall size of the project thereby eliminating the original proposal of completely draining O'Brien Lake, piping all on-site tributaries and placing development over the entire site. Although the applicant and agent have reduced the impacts and reviewed alternative designs, it is not possible to completely avoid the impacts to both the unnamed tributaries and lake. The current proposal illustrates impacts to only those tributaries that cannot be reasonably avoided through careful design and economic feasibility. A preliminary mitigation plan includes the reduction of the size of the lake and the creation and the restoration of at least 2000 lineal feet of the historical intermittent channel which includes the development of a pool and riffle complex and riparian corridor restoration. The unnamed tributaries flow into O'Brien Lake, which develops into McCoy Creek downstream, a primary tributary to the Cuivre River.

LOCATION MAPS AND DRAWINGS: See Sheets 1, 2, and 3 attached.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Jaynie Doerr, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8581. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Jaynie.g.doerr@mvs02.usace.army.mil.

AUTHORITY: This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344).

WATER QUALITY CERTIFICATION: The project plans have been submitted to the Missouri Department of Natural Resources, Water Protection Program for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification is requested as of the date of this Public Notice, and if issued, will express the Agency's opinion that the proposed activities will not violate applicable water quality standards. Written comments concerning possible impacts to waters of Missouri should be addressed to: Water Protection Program, Post Office Box 176, Jefferson City, Missouri 65102-0176, with a copy provided to the Corps of Engineers.

SECTION 404 (b)(1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

ENDANGERED SPECIES: A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has been made to the United States Department of Interior, Fish and Wildlife Service. In order to complete our evaluation, comments are solicited from the Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.

CULTURAL RESOURCES: The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may require a reconnaissance survey of the project area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general the needs and welfare of the people.

SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

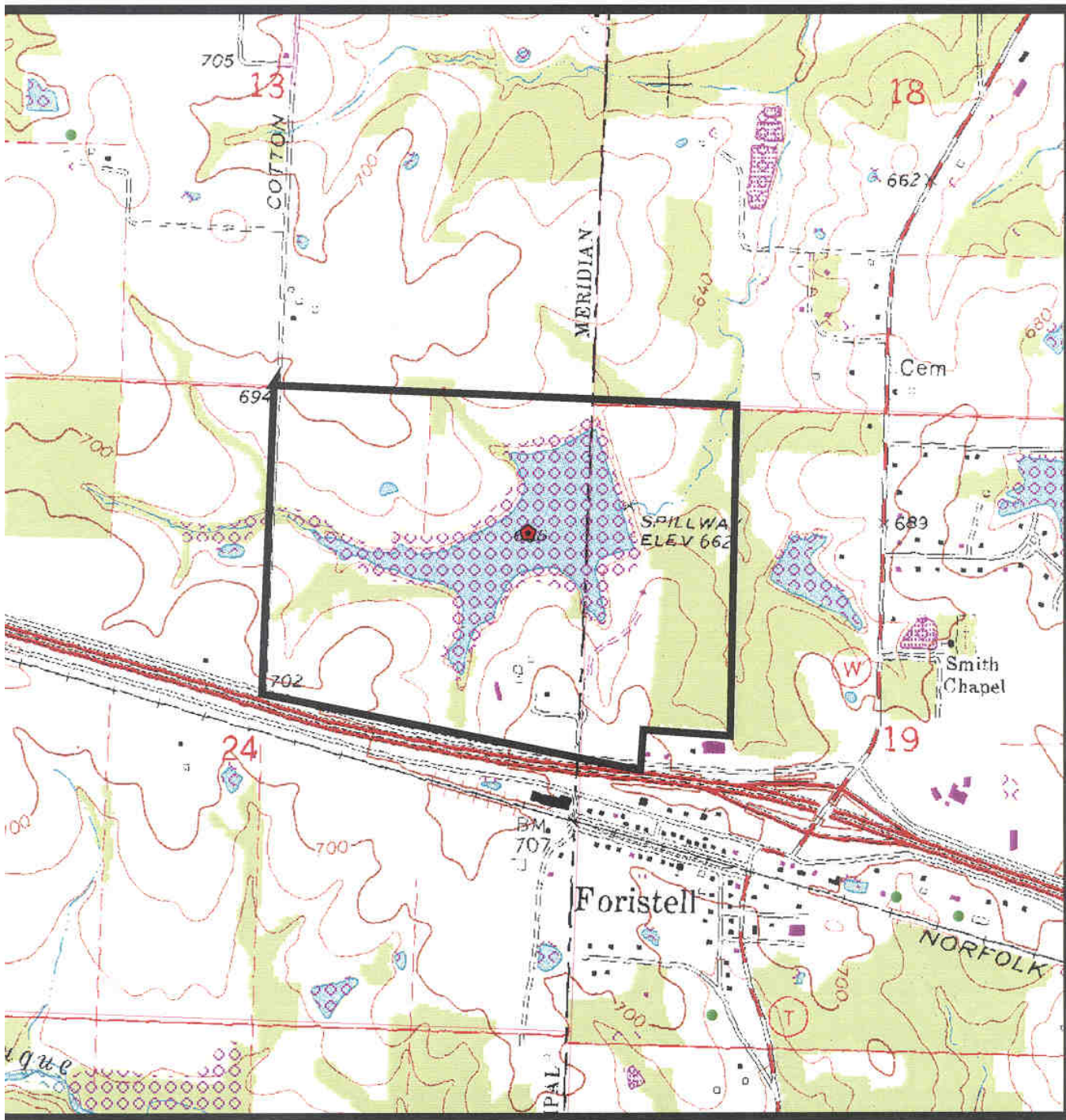
DANNY D. MCCLENDON
Chief, Regulatory Branch

Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.

2005-45365 (P-2547)



Apr 20, 2006

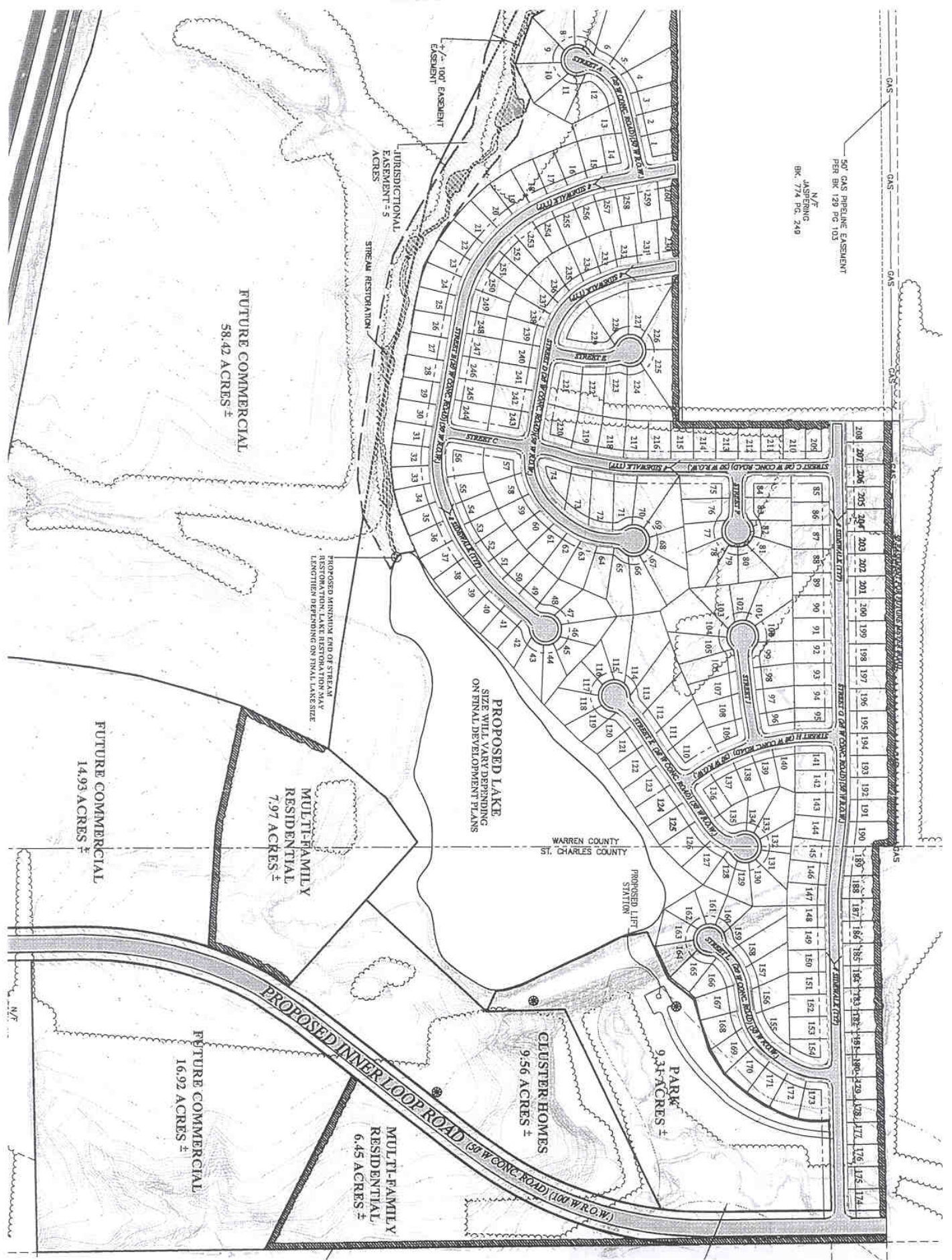


State: Missouri
County: Warren
Nearest City: Foristell
Latitude: 38:49:22.8305
(38.82300846)
Longitude: -90:57:45.0643
(-90.96251786)
USGS Quad: Foristell

HUC 8 Name: Cuivre
HUC 8 Number: 07110008
Section: 24
Township: 47 N
Range: 1 W
Q Section:
QQ Section:
Meridian: Fifth Principal

SHEET 1: SITE LOCATION

50' GAS PIPELINE EASEMENT
PER BK 129 PG. 103
N/F
JASPERING
BK. 774 PG. 249



SHEET 3: PROJECT PLANS ENLARGE